

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the STANDARDS COMMITTEE held in Room CVSO1A, Civic Suite, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Thursday, 1 December 2011.

PRESENT: Mr D L Hall - Chairman
Councillors Mrs B E Boddington, P J Downes, R S Farrer, A Hansard, G J Harlock, P G Mitchell and T D Sanderson.

Messrs J Alexander, P Boothman and G Watkins.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Mr M Lynch and Mrs S Stafford.

19. MINUTES

The Minutes of the meeting of the Committee held on 8th September 2011 were approved as a correct record and signed by the Chairman.

20. MEMBERS' INTERESTS

No interests were declared by the Members present.

21. REPORTS OF SUB-COMMITTEES

The Committee noted the decisions of the Referrals (Assessment) Sub-Committee at meetings held on 21st October and 3rd and 29th November 2011 in respect of complaints received regarding existing and former Members from Farcet, Upwood and The Raveleys and Yaxley Parish Councils and Huntingdonshire District Council. The Monitoring Officer also reported that the Review Sub-Committee had met on 14th November 2011 and decided to uphold an original decision by the Referrals (Assessment) Sub-Committee not to take any action on a complaint made about the conduct of a Member of St. Ives Town Council.

The Standards (Consideration and Hearing) Sub-Committee had not met recently.

22. LOCALISM ACT AND NEW STANDARDS REGIME

Consideration was given to a report by the Head of Legal and Democratic Services and Monitoring Officer (a copy of which is appended in the Minute Book) regarding those provisions of the Localism Act 2011 that related to Standards and the Code of Conduct. Also made available to Members was a copy of a press release dated 27th October 2011 and a preliminary draft Code of Conduct both published by the Association of Council Secretaries and

Solicitors. (Copies of which also are appended in the Minute Book). It was reported that currently the expectation was that the Act would come into force on 1st April 2012.

To assist the Committee in their understanding of the new provisions, the Monitoring Officer gave a power point presentation on those sections of the Act relevant to standards. Principally, the Committee noted that the Act still required each Authority "to promote and maintain high standards of conduct" by elected and co-opted Members and to adopt a Code of Conduct which should provide for the registration of disclosable pecuniary interests. As the current Model Code would be abolished, Members noted that Monitoring Officers from across Cambridgeshire were seeking to draft a standard Code for adoption by all Authorities to avoid inconsistencies and the difficulty, which might arise if each Council were to work to different Codes. Ultimately, Parish Councils would have the opportunity to adopt this agreed Code or one of their own.

In answer to a question, the Committee understood that the Council also still would be required to have in place arrangements to deal with complaints of breaches of the Code and whilst these were not required to be as prescriptive as the current procedures, they still would need to be able to respond to allegations in respect of Parish as well as District and Co-opted Members. Members also were made aware that the Act still required the Monitoring Officer to maintain and publish, in various forms, a Members' Register of Interests and Councillors still would be required to declare disclosable pecuniary interests although these had yet to be defined. The Monitoring Officer also described other matters in the Act which included recommendations in respect of the appointment of independent persons and the sanctions available in the event of a breach of the Code.

In noting the report, the Committee acknowledged the difficulty in interpreting the detail of the Act and in putting in place a new standards regime but Members were hopeful that the Statutory Instrument which should follow would assist the Monitoring Officer in this task.

Lastly, Members acknowledged that elements of the new arrangements would require to be reported to the Council for adoption and it was anticipated that recommendations to this effect would be submitted to the meeting of the Council in April 2012.

23. TRAINING UPDATE

The Monitoring Officer reported that he had presented training on the Code of Conduct to twelve Members of Yaxley and Farcet Parish Councils and one Councillor from Bretton Parish Council (Peterborough) at a session held on 15th November 2011.

24. RECENT CASES OF INTEREST

By reference to a recent determination by the Upper Tribunal (a copy of which is appended in the Minute Book) the Committee was informed of the recent outcome of a case considered in the Upper

Tribunal (MC v Standards Committee of L B Richmond) which could have implications for Member activity on blogs, twitter and other internet sites.

Depending on the circumstances, such communications might be regarded as conducting the business of the office of Member or “acting as a representative of your authority” as provided in paragraph 2 (1) (b) of the Code of Conduct. This is because it is reasonable to regard such communicating with constituents about issues of local political interest as part of the business of the office of a Councillor.

As Standards for England had revised their quick guide to blogging to take account of this judgement, the Committee requested that it be made available on the Members’ Home Page and distributed to Town and Parish Councils (a copy of the quick guide to blogging also is appended in the Minute Book).

25. SURVEY OF PUBLIC ATTITUDES TOWARDS CONDUCT IN PUBLIC LIFE 2010

Having regard to the content of an Executive Summary (a copy of which is appended in the Minute Book) the Committee noted the recently published findings from the National Survey of Public Attitudes Towards Conduct in Public Life.

Whilst not surprised at the decline in confidence which the survey had revealed, the Committee was pleased that the level of confidence in Authorities to uncover and punish wrong-doing was slightly higher than in the 2008 survey.

26. DATE OF NEXT MEETING

It was noted that the next meeting of the Committee would be held at 4pm on Thursday 1st March 2012.

Chairman